

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
1.	National Parks Conservation Association	Moab MLP	<p>Determination of NEPA Adequacy: Moab Master Leasing Plan Implementation</p> <p>NPCA requests that BLM implement the following within the MLP boundary:</p> <ul style="list-style-type: none"> • BLM consult with NPS Air Resources Division on individual and cumulative impacts of proposed leasing. Final DNA will ensure air quality mitigation re clearly laid out and enforceable prior to the Application for Permit to Drill stage, during and after exploration. • BLM consult with State of Utah regarding air, water, sound, viewshed and potential conflicts with outdoor recreation. • Final DNA should include explicit protections regarding potential groundwater impacts as a result of hydraulic fracturing and produced water injection wells. • BLM consult NPS regarding dust mitigation. • BLM should consult with NPS regarding noise propagation modeling. • BLM should consult with United States Geological Survey regarding potential seismic activity and impacts to sensitive geologic formations <p>.These steps must be taken ... to ensure the Moab MLP planning tool is implemented correctly.</p>	<p>The Moab Master Leasing Plan provides stipulations, lease notices, and best management practices that would serve to mitigate impacts to air quality, water resources, sound, visual resources, and recreation in the event of oil and gas development. The applicable stipulations and lease notices have been added to the parcels within the MLP boundary. Should the parcels be leased, and subsequently developed, site-specific analysis would take place at the APD stage where additional conditions of approval may be considered.</p>
2.	Marv Poulson	Visual, Recreation	<p>Unsuccessful wells drilled in the vicinity in recent memory coupled with view shed and recreational values should have Deferred parcel 10 from this proposed lease sale. Since the view shed from the high saddle areas of Bowknot Bend is within the North Horseshoe Canyon</p>	<p>Attached to parcel 10 is a controlled surface use stipulation (UT-S-401) that is intended to minimize the amount of surface disturbance and related impacts</p>

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
			Wilderness Study Area, the recreational and wilderness values should carry as much weight as the view shed values that have Deferred the lease parcels along the north side of the San Juan River you have declared Deferred.	<p>resulting from mineral development in areas with sensitive resources.</p> <p>Parcel 10 is located approximately two miles away from the North Horseshoe Canyon WSA. While there is no requirement to protect the viewshed from WSAs, the distance between the WSA and the parcel would mean that any development would be far into the background.</p> <p>The commenter's preference for deferral is noted.</p>
3.	Marv Poulson	Wastes	The danger of inflow of accidental release of drilling fluids and/or petroleum effluent into the Spring Canyon drainage which could enter the Green River represents a potentially catastrophes risk to the four listed fish species. Anything that exacerbates the river ecosystem, such as increased in-flow of industrial pollutants, petroleum pollutants including benzene should disqualify Parcel 10 from the lease proposal. Parcel 10 must be Deferred.	<p>Attached to parcel 10 is a no surface occupancy stipulation for the protection of public water reserves, 100-year floodplains, intermittent and perennial streams, rivers, riparian areas, wetlands, water wells, and springs; a controlled surface use stipulation for the protection of ephemeral streams; and lease notice T&E-23 with requirements for minimizing impacts to threatened and endangered fish populations. The EA identifies potentially impacted resources at a parcel level and projects direct and indirect impacts to those resources. Should the parcels be leased, and should they be developed, a site-specific analysis would be completed at the APD stage and appropriate mitigation measure would be applied. Prior to authorizing development operations, the BLM would review an APD for compliance with Onshore Oil and Gas Orders and applicable policy and guidance. Following authorization and during drilling and production operations, the BLM inspects operations to ensure compliance with requirements.</p>

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
4.	Marv Poulson	Visual	To now be rushing to lease parcels within the view shed of the Behind the Rock Wilderness Study Area and the singularly spectacular Trough Springs Canyon should be disqualifying factors for every parcel in this area. In this case, Parcels 14, 18, and 19 should not even be in consideration for leasing with them straddling Trough Springs Canyon and tributaries.	<p>Attached to parcels 14, 18, and 19 is a no surface occupancy stipulation (UT-S-404) for the protection of visual resources. These parcels contain acreage that has been classified as Visual Resource Management (VRM) Class II. A requirement of VRM Class II is that an action may not "attract the attention of the casual observer". An exception to this requirement may granted only if it could be demonstrated that proposed operations would not result in long-term visible impairment from key observation points as defined by the BLM VRM Manual.</p> <p>There is no requirement to protect the viewshed of areas outside a WSA.</p> <p>In addition, there are no surface occupancy and controlled surface use stipulations (UT-S-386, UT-S-387, and UT-S-391) for the protection of water resources including public water reserves, 100-year floodplains, intermittent and perennial streams, rivers, riparian areas, springs, spring areas, and ephemeral streams. This means that surface development would not occur within Trough Canyon itself.</p>
5.	Marv Poulson	Visual	To now be rushing to lease parcels within the view shed of singularly spectacular sandstone canyons like Trough Springs Canyon, and Looking Glass Rock. In addition, being in the view shed of the popular Needles Overlook access road should disqualify all proposed lease parcels in this area. In this case, Parcel 21 should not even be in consideration for leasing with it straddling Trough Springs Canyon. This selection as a leasable parcel is inappropriate on its face on Hydro logic basis alone. It seems that Parcels 21, 22(23?), 23, 24, 25, and 26 have	Looking Glass Rock (on Parcel 23) is managed with a no surface occupancy stipulation to protect its VRM Class II visual resources. Also attached to parcel 21 is a no surface occupancy stipulation (UT-S-404) for the protection of visual resources. These parcels contain acreage that has been classified as Visual Resource Management (VRM) Class II. A requirement of VRM Class II is that an action may not "attract the attention of the casual observer". An exception to this requirement may granted only if it could be

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
			been contrived to in essence spoil otherwise natural, multiple use and spectacular recreation lands.	<p>demonstrated that proposed operations would not result in long-term visible impairment from key observation points as defined by the BLM VRM Manual.</p> <p>In addition, attached to parcel 21 (which straddles Hatch Wash rather than Trough springs Canyon) are no surface occupancy stipulations (UT-S-386 and UT-S-387) for the protection of water resources including public water reserves, 100-year floodplains, intermittent and perennial streams, rivers, riparian areas, springs, spring areas, and ephemeral streams. These stipulations would disallow surface occupancy of Hatch Wash.</p> <p>The Needles Overlook Road is a state scenic byway. A no surface occupancy stipulation (UT-S-403) is applied to a two-mile corridor along the Needles Overlook Road; this stipulation will protect the viewshed of the Needles Overlook Road.</p>
6.	Marv Poulson	Visual	I remember a drilling rig working just south of Church Rock not so many years ago that came up dry. To now be proposing to lease Parcel 27 just up the valley north of the previously drilled site makes no sense. West of Lisbon Valley, there haven't been productive wells. Beyond the already disproved potential of successful oil or gas wells in this area, the clear high recreational value in this scenic area that provides access to the Canyon Rims Recreation Area and the Needles District of Canyonlands National Park and Bears Ears National Monument should preclude consideration of leasing in this area. The view shed is of high value just as for the	The BLM is obligated to consider leasing parcels nominated by the public, and is currently evaluating nominated parcels available for leasing under the applicable land use plan. The Moab MLP EIS took a hard look at potential impacts from oil and gas development to all lands within the Planning area. In doing so, the EIS considered the indirect and cumulative impacts of leasing to sensitive resources including visual resources.

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
			areas north of the San Juan River that were removed for lease consideration.	
7.	Public land Solutions	NEPA Compliance	<p>We are concerned that the potential impacts of this proposed lease sale on specific recreation assets and other valuable resource—that received consideration in the Moab Master Leasing Plan (MLP) but not site-specific environmental analyses—are being bypassed by this DNA. Because the direct, indirect, and cumulative effects that would result from implementation of this lease sale are not quantitatively and qualitatively similar to those analyzed in the existing Moab Resource Management Plan or Moab MLP, this Determination of NEPA Adequacy is insufficient and the Bureau of Land Management (BLM) should initiate an environmental analysis for the parcels noted herein. Therefore, as a matter of BLM policy, this DNA is insufficient and the BLM should initiate an environmental analysis for these parcels. The DNA would avoid a required analysis for the following parcels currently not stipulated under the Moab MLP for no surface occupancy: UT0318-006B, UT0318-009, UT0318-010, UT0318-016, UT0318-018, UT0318-019, UT0318-021, UT0318-023, UT0318-025, UT0318-026, and UT0318-027. Parcels UT0318-010, 012 (zoned NSO) and 023 in particular contain or are adjacent to high value recreation resources and should receive a hard look as to whether cumulative impacts from these leases would cause negative effects to these resources and associated socioeconomics.</p>	<p>There would be no direct effects from leasing the parcels. The Moab MLP EIS took a hard look at potential impacts from oil and gas development to all lands within the Planning area. In doing so, the EIS considered the indirect and cumulative impacts of leasing on the following resources:</p> <p>Air Quality and Greenhouse Gases</p> <p>Cultural Resources</p> <p>Lands and Realty</p> <p>Lands with Wilderness Characteristics</p> <p>Livestock Grazing</p> <p>Minerals</p> <p>Paleontological Resources</p> <p>Recreation</p> <p>Riparian Resources</p> <p>Social and Economic</p> <p>Environmental Justice</p> <p>Soil and Water</p> <p>ACECs</p> <p>Special Designations</p> <p>Special Status Species</p> <p>Vegetation</p>

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
				<p>Visual Resource/Auditory Management</p> <p>Wildlife and Fisheries</p> <p>As a result of the analysis, the leasing categories of several thousand acres established in the Moab and Monticello RMPs were changed, and dozens of stipulations were added. The analysis in the Moab was sufficiently site-specific to justify a Determination of NEPA Adequacy.</p>
8.	SUWA	NEPA Compliance	<p>First, the proposed action – issuance of the DNA Lease Parcels – is not a feature of, or essentially the same as, an alternative analyzed in the existing NEPA documents relied on by BLM. It is indisputable that the Moab and Monticello RMP made only general field office wide resource allocation decisions such as what areas will be open to oil and gas leasing and development and under what terms and conditions (<i>e.g.</i>, NSO or standard terms and conditions). The alternatives considered in each RMP did not analyze whether to issue a particular lease parcel, let alone the parcels at issue here. Similarly, the Moab MLP which is one-step more focused than the RMPs, though still programmatic in nature, did not analyze an alternative regarding the issuance of the DNA Lease Parcels. Rather, it considered a range of alternatives at the highest level and without regard to any particular parcels. <i>See, e.g.</i>, Moab MLP FEIS at 2-2 to 2-3 (description of the alternatives).</p>	<p>The commenter’s argument that a proposal to offer parcels for lease cannot be considered a feature of a Land Use Plan NEPA document is untenable. Section .43 of MS-3120 Competitive Leases (P) states: “The Field Manager or District Manager will forward the finalized Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) (or finalized Determination of NEPA Adequacy (DNA) if appropriate) and a recommendation for each parcel reviewed to the State Director” Similar language is found on pages 8 and 9 of Handbook 3120-1 – Competitive Leases. The language in the Manual and Handbook reflects a long-standing precedence that NEPA documents that are not prepared for specific parcels can indeed be considered adequate to do so.</p>
9.	SUWA	NEPA Compliance	<p>Second, the range of alternatives in the existing NEPA documents are inadequate (or inapplicable to) for the issuance of the DNA Lease Parcels. It is indisputable that the Moab and Monticello RMPs and Moab MLP did not consider a no leasing alternative, which is</p>	<p>Again, the commenter is trying to refute the long-standing precedent that NEPA documents, specifically those prepared to approve Land Use Plans, are adequate for specific lease parcels, this time by virtue</p>

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
			required in the oil and gas lease sale context. <i>See, e.g., S. Utah Wilderness Alliance v. Norton</i> , 457 F.Supp.2d 1253, 1262 (D. Utah 2006) (“an agency’s [NEPA document] must consider the ‘no-action’ alternative.”).	of another long-standing precedent – that the No Action alternative of an LUP NEPA is the status quo. As is stated on page 2.4 of the Moab MLP EIS, a No Leasing Alternative was considered and dismissed because: “No issues or conflicts have been identified during this land use planning effort which requires the complete elimination of oil and gas leasing within the Planning Area for their resolution.”
10.	SUWA	NEPA Compliance	Third, the existing NEPA documents did not account for or anticipate numerous changed circumstances and new information including the creation of Bears Ears National Monument and BLM Utah’s most current wilderness characteristics guidance document, Instruction Memorandum No. UT 2016-027, <i>Bureau of Land Management (BLM)-Utah Guidance for the Lands with Wilderness Characteristics Resource</i> (Sept. 30, 2016) (IM 2016-27) (attached). The existing NEPA documents are silent with regard to potential direct, indirect, or cumulative impacts to the monument from oil and gas leasing and development and, predictably, do not comply with IM 2016-27. <i>But see Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.</i> , 463 U.S. 29, 43 (1983) (holding that an agency’s action is arbitrary and capricious if it “entirely failed to consider an important aspect of the problem”).	IM-UT 2016-027 pertains to lands with wilderness characteristics, not designations such as national monuments. Whether or not the “existing NEPA documents are silent with regard to potential direct, indirect, or cumulative impacts to the monument from oil and gas leasing and development” has no bearing on compliance with IM 2016-027.
11.	SUWA	NEPA Compliance, Air Quality	Finally, the direct, indirect, and cumulative impacts of the issuance and development of the DNA Lease Parcels are not similar (qualitatively or quantitatively) to those analyzed in the existing NEPA documents. The RMPs did not analyze any site-specific impacts of oil and gas leasing and development, let alone the site-specific	The commenter’s interpretation of the MLP that “BLM envisioned that it would need to analyze the site-specific impacts, based on quantitative data, at the time of lease issuance” is incorrect. Air quality lease stipulations and notices developed during the EIS were designed to minimize impacts to this resource.

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
			<p>impacts of the DNA Lease Parcels. The Moab MLP while more narrowly focused than the RMPs based its impact analyses on broad-level assumptions “for purposes of equitably comparing the alternatives . . . based on observations, historic trends and professional judgement.” Moab MLP FEIS at 4-2. For example, the MLP does not satisfy BLM’s NEPA requirements for the DNA Lease Parcels with regard to air quality because as acknowledged by the agency in the MLP “certain information is unavailable or requires site-specific information to analyze.” <i>Id.</i> BLM envisioned that it would need to analyze the site-specific impacts, based on quantitative data, at the time of lease issuance: Due to a lack of quantitative data, some impacts can be discussed only in qualitative terms. <i>Subsequent project-level NEPA documents will provide the opportunity to collect site specific data and analyze these data in quantitative terms.</i></p> <p>Moab MLP FEIS at 4-2 (emphasis added). The MLP likewise did not perform site-specific air quality modeling analysis for similar reasons: Since the MLP is a planning document, and no specific projects are being proposed or analyzed in the Planning Area, modeling conducted for this analysis is by necessity speculative.</p> <p><i>Id.</i> at 4-5. Nor did it contain near-field analysis for site-specific authorizations because Specific characteristics of the source to be modeled . . . are required to conduct this analysis, and, given the nature of this planning level air quality analysis, that information is not available.</p>	<p>These stipulations and notices would be applied planning area wide to those lands determined by the land use plan to be open for oil and gas leasing. Site-specific analysis of impacts to air quality would take place at the APD stage.</p>
12.	SUWA	NEPA Compliance	<p>In sum, each of the four questions to consider in determining whether or not BLM can rely on a DNA to issue the parcels at issue answer in the negative and thus</p>	<p>The BLM does not concur with the commenter’s statement.</p>

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
			“a new EA or EIS must be prepared.” BLM Handbook 1790 § 5.1.2.	
13.	SUWA	NEPA Compliance, Air Quality	<p>BLM Instruction Memorandum No. 2010-117, <i>Oil and Gas Leasing Reform – Land Use Planning and Lease Parcel Reviews</i> (May 17, 2010) (IM 2010-117) (attached), which established the MLP concept anticipated that BLM would still need to prepare an EA or EIS prior to issuing oil and gas leases within MLP boundaries, even though the MLP may have analyzed some potential site-specific impacts from leasing and development.</p> <p>It is expected that the DNA process will only be appropriate in cases where the existing NEPA documentation has adequately incorporated the most current program-specific guidance . . . <i>Most parcels that the field office determines should be available for lease will require site-specific NEPA analysis. This analysis will typically take the form of an EA</i>, which would be tiered, as appropriate, to the RMP/EIS or a MLP/EA or EIS, if one has been completed for any of the parcels. IM 2010-117 § III.E (emphasis added). In other words, in the oil and gas leasing context BLM should prepare at a minimum a leasing EA that is tiered, as appropriate, to the Moab MLP and relevant land use plans, but the EA must analyze all site-specific impacts not considered in the MLP (or land use plans). This approach is required by and consistent with NEPA. <i>See</i> 40 C.F.R. § 1508.28 (“tiering refers to the coverage of general matters in broader environmental impact statements . . . with subsequent narrower statements or environmental analyses . . . incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared.”). Here, BLM has attempted to cut corners by preparing only a DNA. This approach is at odds with IM 2010-117</p>	<p>IM 2010-117 was incorporated into MS 3120 – Competitive Leases, Handbook-3120 – Competitive Leases and Handbook 1624-1 in 2013, and has subsequently expired.</p> <p>See the responses above.</p>

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
			<p>and in violation of NEPA. It also is inappropriate in this instance because BLM itself has acknowledged that the Moab MLP with regard to air quality analysis did not perform the requisite hard look site-specific analysis including quantitative and near-field analysis and performed only “speculative” air quality modeling. It also is inappropriate in light of changed circumstances and new information including the designation of Bears Ears National Monument.</p> <p>BLM therefore cannot rely on the Lease Sale DNA and must prepare an independent NEPA analysis for these issues as well as for any other resource issue not fully analyzed in the MLP (or applicable land use plans).</p>	
14.	SUWA	Greenhouse Gas/Climate change	<p>The Lease Sale DNA is inappropriate because none of the existing NEPA documents relied on by BLM considered the potential direct, indirect, or cumulative impacts of increased greenhouse gas (GHG) emission from oil and gas leasing and development, let alone from the issuance of the DNA Lease Parcels, to climate change. <i>But see</i> 40 C.F.R. §§ 1508.7, 1508.8 (requiring these analyses). BLM declined to conduct this analysis because, allegedly, “[i]t is not currently possible to calculate an impact from this number, or to assign a significance value to these calculated emissions.” Moab MLP FEIS at 4-16. This conclusion is demonstrably false.</p> <p>To begin with, as the Tenth Circuit recently held when it overturned BLM’s issuance of several coal leases for inadequate climate change analysis: We do not owe the BLM any greater deference on the question at issue here because it does not involve “the frontiers of science.” The BLM acknowledged that climate change is a scientifically verified reality. . . .</p>	<p>The court case cited involved the preparation of an Environmental Impact Statement involving a potential 382 million tons of just downstream annual carbon dioxide emissions. In Appendix C – <i>Indirect Greenhouse Gas Emissions</i> of the MLP EIS calculations reveal that the cumulative operational and downstream CO2 emissions of a well would be around 250,681 tons annually. . A model that may work for a project the size of the one discussed in the lawsuit would be useless for a project of the scale analyzed in the MLP EIS.</p>

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
			<p>Moreover, <i>the climate modeling technology exists: the [National Energy Modeling System] is available for the BLM to use.</i></p> <p><i>WildEarth Guardians v. BLM</i>, 870 F.3d 1222, 1236-37 (10th Cir. 2017) (emphasis added; citations omitted).¹ This ruling shuts the door on BLM’s claim that it cannot analyze the effects and impacts of increased greenhouse gas emissions from leasing and development at the lease sale stage. It plainly can and must do so.</p> <p>Further, BLM’s refusal to take the necessary hard look, under the guise of uncertainty, is entirely insufficient. “Speculation is recognized as being ‘implicit’ in NEPA, and judges ‘may reject any attempt by agencies to shirk their responsibilities under NEPA by labeling any and all discussions of future environmental effects as crystal ball inquiry.’” <i>Sierra Club v. U.S. Forest Serv.</i>, 857 F.Supp.2d 1167, 1177 (D. Utah 2012) (citations omitted). NEPA requires BLM to “consider every significant aspect of the environmental impact of a proposed action.” <i>Balt. Gas & Elec. Co. v. Natural Res. Defense Council</i>, 462 U.S. 87, 107 (1983). And BLM must do so “at the earliest possible time.” <i>New Mexico ex rel. Richardson</i>, 565 F.3d at 707.</p> <p>NEPA also requires that relevant information be made available to the public so that they “may also play a role in both the decision making process and the implementation of that decision.” <i>Robertson v. Methow Valley Citizens Council</i>, 490 U.S. 332, 349 (1989). <i>Cf. Ctr. for Biological Diversity v. Nat’l Highway Traffic Safety Admin.</i>, 538 F.3d 1172, 1225 (9th Cir. 2008) (remanding for new NEPA analysis).</p>	

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
			BLM's refusal to quantify and evaluate GHG emissions in a new NEPA analysis is arbitrary and capricious.	
15.	SUWA	Lands with Wilderness Characteristics	<p>The Lease Sale DNA is inadequate because the existing NEPA documents relied on by BLM in the Lease Sale DNA did not take a hard look at the direct impacts to the Goldbar Canyon, Hatch Point / Hatch Canyon, and Labyrinth Canyon lands with wilderness characteristics (LWC) from the issuance and development of the DNA Lease Parcels. Direct impacts are those "which are caused by the action and occur at the same time." 40 C.F.R. § 1508.8(a). The Moab and Monticello RMPs and Moab MLP analyzed only broad-level impacts to wilderness characteristics to serve as a comparison between proposed planning area resource allocations. <i>See generally</i> Moab MLP FEIS at 4-33 to 4-37; Moab RMP at 4-121 to 4-133; Monticello RMP at 4-196 to 4-217. Stated differently, BLM analyzed general impacts to wilderness characteristics to inform its management recommendations between various alternatives but at no point did the agency analyze the site-specific impacts to the LWCs at issue here from the issuance and development of specific oil and gas lease parcels.</p> <p>The leasing EA prepared by the Canyon Country District for the sale of other parcels in the Monticello and Moab field offices illustrates the site-specific NEPA analysis that is lacking here. In that document, BLM acknowledged that development is expected to occur on each leased parcel, resulting in a loss of wilderness characteristics. <i>See</i> March 2018 Competitive Oil and Gas Lease Sale, DOI-BLM-UT-Y010-2017-0240-EA at 43 (Sept. 2017) (Canyon Country District Lease Sale EA). Impacts could include "loss of naturalness and loss</p>	<p>The commenter references the analysis in the lease EA, most of which is a summary of the analysis in the Moab MLP EIS which stated: "This additional drilling could result in an increased loss of naturalness, opportunities for primitive and unconfined recreation, and solitude...and the associated surface disturbance could adversely impact lands with wilderness characteristics. (FEIS at 4-37)</p> <p>Although the EA provided additional analysis by projecting the potential acreage of lands with wilderness characteristics disturbed under the parcels analyzed in the lease sale, the lack of such analysis would not have rendered the overall analysis inadequate.</p>

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
			<p>of opportunities for solitude or primitive unconfined recreation” and “a reduction in the size of the [LWC] unit.” <i>Id.</i> Notably, in the Canyon Country District Lease Sale EA BLM calculated the anticipated <i>direct</i> impact to the LWC units at issue, concluding that the units would lose approximately 19.2, 28.8, and 9.6 acres of wilderness character, respectively. <i>Id.</i> at 45, tbl. 4-6 (Potential Disturbance to Lands with Wilderness Characteristics).</p> <p>In contrast, the Lease Sale DNA and NEPA documents on which it relies are silent with regard to the direct impacts to the Goldbar Canyon, Hatch Point / Hatch Canyon, and Labyrinth Canyon LWCs from the issuance and development of the DNA Lease Parcels. BLM policy explains further that “even when a decision to select an alternative that impairs wilderness characteristics conforms to the RMP, the impacts to the lands with wilderness characteristics unit must be documented.” IM 2016-27, Attachment 2-2. BLM has failed to do so here in violation of NEPA and its own guidance.</p>	
16.	SUWA	NEPA Compliance	BLM Violated NEPA’s Alternatives Requirement...BLM Has Not Performed Any NEPA Alternatives Analysis Regarding the Issuance of the DNA Lease Parcels ...SUWA Herein Proposes Two NEPA Alternatives	See responses to the comments above. The DNA relies on the alternatives in the documents it references as having adequate NEPA.
17.	SUWA	National Monuments	The Lease Sale DNA and the existing NEPA documents on which it relies are silent with regard to potential direct, indirect, and cumulative impacts to the resources protected by the Bears Ears National Monument. This is the case because those documents were prepared prior to	There is no policy requiring the BLM to analyze impacts to BLM monuments from oil and gas development outside the monument. However, most of the resources the commenter has listed as potentially impacted within the monument were

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
			<p>the monument designation on December 28, 2016. <i>See</i> The White House, Office of the Press Secretary, Establishment of the Bears Ears National Monument (Dec. 28, 2016) (attached).⁴ BLM is required to protect and preserve the resources identified in the monument proclamation including, but not limited to, cultural, prehistoric, wildlife and plant species, and paleontological. <i>See id.</i> at 7 (“the Secretary of the Interior . . . shall manage the monument through the . . . Bureau of Land Management (BLM) . . . to implement the purposes of this proclamation.”). BLM has failed to do so here.</p> <p>BLM has not analyzed any impacts to the monument. As such, many important questions remain unanswered including, but not limited to:</p> <ul style="list-style-type: none"> • Whether the issuance and development of the DNA Lease Parcels will adversely affect viewsheds, watersheds, and airsheds in the monument; • Whether the issuance and development of the DNA Lease Parcels will adversely affect experiences of visitors to the monument or local communities and business; • Whether the issuance and development of the DNA Lease Parcels will adversely affect cultural or paleontological resources in the monument through increased dust, emissions, or industrial activity; or • Whether the issuance and development of the DNA Lease Parcels will adversely affect wildlife and plant species identified in the monument proclamation such as elk, badger, and mountain lion. 	<p>analyzed during the MLP approval process. In addition, the parcels closest to the monument boundary are classified as No surface occupancy. The closest point in a parcel where surface occupancy is allowed is 1.4 miles away. LN 125 Light and Sound – Sensitive Resources has been added to all parcels to inform potential lessees that all actions that might impact the night skies and soundscape of the monuments and other sensitive resources may be subject to requirements to reduce those impacts.</p>

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
			<p>NEPA requires BLM to analyze and explore these questions and to provide that information to the public. <i>See, e.g.</i>, 40 C.F.R. §§ 1508.7, 1508.8. BLM also must do so to inform itself as to the significance of the proposed action. <i>See generally id.</i> § 1508.27. <i>See also id.</i> § 1508.27(b)(3) (requiring BLM to consider “[u]nique characteristics of the geographic area such as proximity to historic or cultural resources, park lands . . . or ecologically critical areas”).</p> <p>Here, BLM has never analyzed the direct, indirect, or cumulative impacts to the monument from the issuance and development of parcels 14, 16, 18, and 19, among others, even though the agency is planning to issue leases less than one-fourth of a mile from the monument boundary (<i>i.e.</i>, parcel 14). Development on the parcels will likely be visible from within the monument. At other, analogous lease sales, BLM has considered, analyzed and disclosed potential impacts to Dinosaur and Hovenweep National Monuments.⁵ For example, for its December 2017 oil and gas lease sale the Vernal field office prepared and considered a viewshed analysis to consider leasing and development impacts to Dinosaur National Monument. <i>See</i> BLM, December 2017 Competitive Oil and Gas Lease Sale, DOI-BLM-UT-G010-2017-0028-EA at (June 2017) (excerpts attached). The Canyon Country District also analyzed similar impacts to Hovenweep National Monument for this same March 2018 competitive lease sale. <i>See</i> Canyon Country District Lease Sale EA at 29-30, 53-54, 57 (excerpts attached). BLM did not prepare the same basic information to support the Lease Sale DNA.⁶</p> <p>Finally, the designation of the Bears Ears National Monument is significant new information requiring BLM to prepare an EA prior to issuance of the DNA</p>	

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
			<p>Lease Parcels. <i>See</i> 40 C.F.R. § 1502.9(c)(1)(ii) (requiring BLM to supplement its NEPA analysis if “[t]here are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts”). <i>See also Marsh v. Or. Natural Res. Council</i>, 490 U.S. 360, 374 (1989) (stating that NEPA supplementation is necessary “if the new information is sufficient to show that the remaining action will affect the quality of the human environment in a significant manner or to a significant extent not already considered”). Designation of a national monument is without question significant new information, which, like SUWA’s new wilderness characteristics information in <i>Southern Utah Wilderness Alliance</i>, is “a textbook example of significant new information about the affected environment . . . that would be impacted by oil and gas development; information that [is] not reflected in BLM’s existing NEPA analysis.” <i>S. Utah Wilderness Alliance</i>, 457 F.Supp.2d at 1264-65.</p> <p>Therefore, BLM has failed to take a hard look at potential impacts to Bears Ears National Monument</p>	
18.	SUWA	Cultural	<p>BLM has dual obligations when considering the impacts of its undertakings on cultural resources. Pursuant to Section 106 of the NHPA and its implementing regulations, BLM must “make a reasonable and good faith effort” to identify cultural resources that may be affected by an undertaking. 36 C.F.R. § 800.4(b)(1). Pursuant to NEPA, BLM must take a “hard look” at the environmental effects of a proposed action and “must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.” 40 C.F.R. § 1500.1(b). BLM has failed to comply with both of these</p>	<p>BLM has met its obligations to consider the effects of its undertakings to cultural resources under both laws.</p> <p>The Moab MLP EIS took a hard look at potential impacts from oil and gas development to all lands within the Planning area. In doing so, the EIS considered the indirect and cumulative impacts of leasing on sensitive resources including cultural resources.</p> <p>The BLM consulted with and sought additional information from fourteen Native American Tribes,</p>

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
			obligations. With regard to its NEPA obligations, the lease sale DNA is inadequate because the existing NEPA documents did not take a hard look at the discrete impacts to cultural resources in the lease sale parcels.	<p>the Utah State Historic Preservation Office (SHPO), and consulting parties during preparation of the EIS.</p> <p>BLM is required to consult with SHPO regarding identification efforts (36 CFR. § 800.4). SHPO has agreed with BLM that these efforts meet a reasonable and good faith standard.</p> <p>BLM also sought public input, including public scoping and 30 day public comment period during which this DNA was available through ePlanning.</p> <p>BLM has met both the “reasonable and good faith” and “hard look” standards and have offered multiple opportunities for public, consulting party, and Native American tribe input. Further, the Interior Board of Land Appeals (“IBLA”) has upheld BLM’s use of a literature review to meet the reasonable and good faith identification effort. See <i>SUWA</i>, 177 IBLA 89, 98 (2009).</p>
19.	SUWA	Cultural	For the parcels in the Moab field office, BLM used only the composite model map to assess the potential location of undiscovered archaeological sites and potential effects to those sites. Cultural Report, at 5. It did not incorporate or consider the individual site type models. <i>Id.</i> Those individual site type models provide BLM with significantly more detailed information about the potential resources on the ground, which would then allow the agency to better assess adverse effects from the lease sale. For example, the Moab Planning Model (composite model) predicts medium site probability across most of parcel 19 with discrete areas of high and low probability, which BLM concludes supports its no adverse effect determination. See Cultural Report, at 20. However,	<p>BLM made a reasonable effort to identify cultural resources.</p> <p>Regarding the use of composite models, the composite maps are GIS-derived compilations of all of the site type models intended to provide a landscape level representation of cultural resources probability and sensitivity across the Moab Field Office. BLM manages for all site types and there are multiple historic and prehistoric site types present across the Moab parcels. Because it takes into account all site types and all of the best available information, the composite model offers the best overall site probability within the parcels. BLM will continue</p>

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
			<p>the site type model for prehistoric rock art predicts high probability across much of parcel 19, indicating that leasing parcel 19 indeed <i>may</i> affect resources in that parcel.⁹ These site type models provide the best available information about potential locations of undiscovered sites. Accordingly, BLM should use the more precise site type models to inform its leasing decisions.</p> <p>For the lease parcels within the Monticello field office (parcels 25 and 27), BLM does not even use the recently-completed Class I inventory and associated models to inform its leasing decisions and better assess the likely nature and location of cultural sites in the parcels. ¹⁰ Cultural Report, at 5.</p> <p>To comply with NHPA requirements to make a reasonable and good faith effort to identify cultural resources, BLM must at least take into account all of its existing information about the potential resources.</p>	<p>using the composite models for these types of identification efforts.</p>
20.	SUWA	Cultural	<p>BLM failed to take the requisite “hard look” at impacts to cultural resources. First, BLM made its no adverse effect determination based on insufficient information...</p> <p>Second, existing NEPA documents did not take a hard look at discrete impacts to cultural resources in these lease parcels. The Moab and Monticello RMPs and the Moab MLP analyzed only broad-level impacts to cultural resources to serve as a comparison between proposed planning area management options. <i>See generally</i> Moab MLP FEIS at 4-23 to 4-30; Moab MLP 4-33 to 4-57; Monticello RMP 4-37 to 4-63. BLM did not analyze the site-specific impacts to cultural resources from the issuance and development of these</p>	<p>As stated above, BLM’s determination of no adverse effect in its draft cultural resources report is based on available cultural resources data, additional data gathered through consultation, parcel characteristics, existing land use planning decisions, leasing stipulations, and professional judgment, including a thorough understanding of the potential effects of oil and gas operations in the area.</p> <p>Regarding NEPA, NEPA requires that the BLM’s “effects analysis must demonstrate that the BLM took a ‘hard look’ at the impacts of the action.” NEPA Handbook H-1790-1, p. 55. The Tenth Circuit has held that the “hard look” test under NEPA is satisfied if “the BLM considers generally the potential</p>

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
			<p>specific oil and gas lease sale parcels. <i>Id.</i> There is no discussion of direct, indirect, or cumulative impacts. BLM cannot simply rely on broad level NEPA documents that do not evaluate potential site specific impacts to satisfy NEPA’s hard look mandate.</p>	<p>environmental effects of its actions before issuing a lease and reserves a more detailed environmental analysis until a site specific drilling proposal is made. . . .” <i>Pennaco Energy, Inc. v. U.S. Department of the Interior</i>, 266 F.Supp.2d 1323 (D.Wyo. 2003) citing <i>Park County Resources Council, Inc. v. U.S. Department of Agriculture</i>, 817 F.2d 60, 624 (10th Cir. 1987). Additionally, the Tenth Circuit has stated that analysis of only reasonably foreseeable impacts must take place before an agency makes an irretrievable commitment of resources but an agency may wait to analyze impacts until “after the leasing stage if it lacks information necessary to evaluate them, ‘provided that it reserves both the authority to preclude all activities pending submission of site-specific proposals and the authority to prevent proposed activities if the environmental consequences are unacceptable.’” <i>New Mexico ex rel. Richardson v. BLM</i>, 565 F.3d 683, 718 (10th Cir. 2009) citing <i>Sierra Club v. Peterson</i>, 717 F.2d 1409, 1415 (D.C. Cir. 1983).</p> <p>Leasing only conveys the rights to develop a parcel to a lessee but does not approve any surface disturbing activities. At the leasing stage, the BLM has no knowledge of when, if, and where development will occur within any of the parcels meaning that the BLM lacks information necessary to evaluate specific impacts to cultural resources at any specific location. To account for potential impacts from leasing, BLM uses a reasonably foreseeable development scenario to analyze potential impacts from leasing. Thus, based on the appropriate RFDs, BLM has provided a general analysis and discussion of potential impacts as a result of issuing a lease and a</p>

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
				<p>justification for why those impacts will not be significant.</p> <p>Finally, BLM retains the authority to modify or deny future proposed activities. The Cultural Resources Protection Stipulation is included on every lease and provides the BLM the authority modify or disapprove any lease activity that is likely to result in adverse effects.</p> <p>There would be no direct effects from leasing. The Moab MLP EIS took a hard look at potential impacts from oil and gas development to all lands within the Planning area. In doing so, the EIS considered the indirect and cumulative impacts of leasing on sensitive resources including cultural resources.</p> <p>Using a level of analysis for a “hard look” upheld by the Tenth Circuit, the BLM has properly analyzed all reasonably foreseeable impacts to cultural resources at the leasing stage and retains the authority to not approve any ground disturbing activities that may result in adverse effects at the APD stage.</p>
21.	SUWA	Cultural	<p>BLM’s No Adverse Effect Determination is Unsupported and Arbitrary.</p> <p>Many of the parcels at issue encompass lands that are incredibly rich in cultural resources, reflecting thousands of years of human history. Cultural Report, at 64. Sites within the lease parcels include Ancestral Puebloan habitation sites, structures and artifact scatters; petroglyphs and pictographs; Navajo sweat houses and hogans; and potential segments of the Old Spanish Trail. <i>Id.</i> There are 93 recorded sites in the parcels approved through the Lease Sale DNA, 59 of which are eligible</p>	<p>The National Historic Preservation Act and its implementing regulations found at 36 CFR Part 800 do not state that high site density in an area equals an adverse effect. Rather,</p> <p>adverse effects are narrowly defined by NHPA and require specific detrimental changes to occur to specific types of sites (historic properties) in order to reach the threshold of adverse effect as defined at 36 CFR § 800.5(a)(1). The existence of a high potential area does not mean that an undertaking will have an adverse effect.</p>

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
			<p>for listing under the NRHP. Despite the density of cultural resources in these parcels, BLM concludes that the lease sale would have no adverse effect on historic properties. That conclusion is arbitrary and capricious.</p> <p>BLM’s determination of no adverse effect ignores its own cultural information. For instance, BLM acknowledges that parcel 12 has minimal survey coverage (2%) and relies on the Moab Planning Model (composite model) to supplement its information. Cultural Report, at 18. That model predicts that parcel 12 contains “medium and high site probability across most of the parcel.” <i>Id.</i> BLM then inexplicably concludes that the “predicted medium and low site density across large portions of the parcel” would allow reasonably foreseeable development without the potential for adverse effects to cultural resources. <i>Id.</i> That conclusion is arbitrary. BLM simply ignores the model’s prediction of high site density throughout large portions of parcel 12. <i>Id.</i>; <i>see also</i> Cultural Report, at 21-22 (determining that the cultural resources in parcel 19 would not be adversely affected by reasonably foreseeable development despite the Moab Planning Model’s prediction of medium and high site probability across most of the parcel).</p> <p>BLM’s own cultural resource information does not support its determination that the lease sale would not adversely affect cultural resources.</p>	<p>In its Cultural Resources report, discussed above, BLM clearly justifies how reasonably foreseeable development could occur within each of the parcel without adverse effect to historic properties within a half mile of each parcel. The report takes into account available cultural resources data, additional data gathered through consultation, parcel characteristics, existing land use planning decisions, leasing stipulations, and professional judgment, including a thorough understanding of the potential effects of oil and gas operations in the area.</p> <p>For any future actions, lease stipulations assure that BLM retains discretion to prevent adverse effects to historic properties, or significant impacts, as a result of oil or gas activities related to a lease. The stipulations are: Cultural Resources Protection Stipulation, which is attached to all leases; UT-S-170 Controlled Surface Use – Cultural, which has been applied to all Monticello field office parcels, and the UT-S-17 Controlled Surface Use – Alkali Ridge Area of Critical Environmental Concern (ACEC), which has been applied to those parcels fully or partially within the ACEC. These stipulations apply to historic properties, rather than all cultural resources, and for this reason BLM has stated that there may be impacts to cultural resources.</p>
22.	SUWA	Endangered and Sensitive Species	BLM Failed to Address Impacts to Endangered and Sensitive Species in the Lease Sale EA, in violation of NEPA and the Endangered Species Act.	The impacts of the leasing on federally listed species was analyzed in detail in the Final EISs for the Moab and Monticello RMP and the Moab Master Leasing Plan and their associated Biological Opinions (Moab-

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
			<p>The Lease Sale DNA in turn contains no site-specific analysis whatsoever of what the indirect and cumulative impacts of drilling will be on endangered species, both from direct mortality and habitat loss from drilling activity, and from water use associated with oil and gas development, and resulting depletions to the San Juan and/or Green River systems.</p> <p>Furthermore, the presence of endangered species and their critical habitat requires consultation (or, in the case of black-footed ferrets, conference) with FWS in order to avoid jeopardizing the species' continued existence or adversely modifying their critical habitat.</p> <p>There are numerous threatened, endangered, and sensitive species present and their critical habitat within the areas proposed for leasing; however, BLM failed to provide any meaningful information regarding potential effects.</p>	<p>pp. 21-101, Monticello-pp. 24-100, MLP-pp. 10-68). In addition, Moab and Monticello's biologists detailed the effects of the specific leasing action, with the information currently available, on federally listed species in their respective Wildlife and Botany Resources Leasing Assessment Reports and summarized this information in their Interdisciplinary Team Checklists (Appendix D). They will conduct a site-specific analysis and consultation with UFWFS if appropriate when the lessee applies for a permit to drill and supplies site-specific information about locations and methods of development and extraction.</p> <p>Leasing would not, by itself, authorize any water usage which would contribute to depletion. Site-specific effects cannot be analyzed until an APD is received after leasing has occurred. Any potential water depletion would be analyzed at the APD stage. As indicated in Appendix D (Interdisciplinary Team Checklists), additional consultation with USFWS will be required prior to the implementation of any project that "may affect" a listed species or habitat.</p>
23.	SUWA	Endangered and Sensitive Species	<p>ESA-Listed Species Generally: Colorado pikeminnow (endangered, parcel UT 0318-012); razorback sucker (endangered, parcel -012); Mexican spotted owl (threatened, critical habitat in parcels -014, -016, -018, -021); southwestern willow flycatcher (endangered, parcels -014, -016, -018, -019, -023, -024); Black-footed ferret (endangered, parcels -026, -027); Gunnison sage-grouse (threatened, parcel -027).</p>	<p>Colorado Endangered fish addressed below in #25.</p> <p>The BLM analyzed potential impacts to Mexican spotted owl and southwestern willow flycatcher from mineral leasing in the Moab Master Leasing Plan FEIS (sections 3.16 and 4.17). Through the interdisciplinary team review of the parcels for the March 2018 oil and gas lease sale, the biologists determined there is suitable habitat for Mexican spotted owl and southwestern willow flycatcher in a number of the parcels. They included the lease notices</p>

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
				<p>T&E 25 – Mexican Spotted Owl and T&E 26 – Southwestern willow flycatcher for attachment to all the parcels mentioned and additional parcels (DNA, Attachment A). The next review will occur when the lessee submits an Application to Drill and supplies site specific information about the proposed disturbance and locations of disturbance. If these species occur at these sites, the biologists will analyze potential impacts, consult with the U.S. Fish and Wildlife Service, and apply conservation measures to the application as conditions of approval.</p> <p>Black-footed ferret addressed below in #24.</p> <p>There is no Gunnison sage-grouse habitat within the MLP planning area according to the Utah Division of Wildlife Resources (https://dwrcdc.nr.utah.gov/ucdc/DownloadGIS/disclaim.htm), nor has the USFWS identified any habitat.</p> <p>Page 12 of the MLP Biological Assessment states: Because Gunnison sage-grouse and its occupied habitat is not located within the boundaries of the Moab MLP, the species will not be analyzed further in this document.</p> <p>None of the parcels are within the Gunnison sage grouse critical habitat and none contain suitable habitat for this species (Wildlife and Botany Resources Leasing Assessment-Monticello, March 2018 Oil/Gas Lease Sale, p. 4; Wildlife and Botany Resources Leasing Assessment-Moab, March 2018 Oil/Gas Lease Sale, p. 5).</p>

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
24.	SUWA	Endangered and Sensitive Species	According to UDWR data, parcels UT0318-0318-006B, -009, -012, -025, -026, and -027 contain white-tailed prairie dog and/or Gunnison prairie dog habitat. BLM must analyze whether habitat loss within prairie dog colonies could affect black-footed ferret recovery and/or reintroduction efforts.	According to the U.S. Fish and Wildlife Service (USFWS) Environmental Conservation Online System, no population of black footed ferrets are known to occur in Grand or San Juan Counties, Utah and there are no requirements to consult on this species. Additionally, the FWS has not directed the Moab FO to consult on Black footed ferret habitat for any projects in Grand or San Juan county.
25.	SUWA	Endangered and Sensitive Species	BLM failed to address impacts to Colorado River Endangered Fish (all parcels, with habitat directly present in parcel UT0318-012) All proposed sale parcels have the potential to impact the four Colorado River endangered fish species (bonytail chub, Colorado pikeminnow, humpback chub, and razorback sucker) through water depletions resulting from oil and gas development. In particular, parcel UT-0318-012 contains habitat for the Colorado pikeminnow and razorback sucker.	<p>The impacts of leasing on the Colorado River Endangered Fish was analyzed in the Final EIS and the associated Biological Opinions Lease notice T&E 23: Colorado River Endangered Fish was developed during consultation with USFWS to protect the endangered fish and has been added to all parcels.</p> <p>Leasing would not, by itself, authorize any water usage which would contribute to depletion. Site-specific effects cannot be analyzed until an APD is received after leasing has occurred. Any potential water depletion would be analyzed at the APD stage. As indicated in Appendix D (Interdisciplinary Team Checklists), additional consultation with USFWS will be required prior to the implementation of any project that "may affect" a listed species or habitat.</p> <p>The BLM in coordination with the FWS ensured all parcels contained adequate leases notices and stipulations to ensure ESA compliance. As recommended by the FWS, all parcels that the FWS identified as having potential to impact Critical Habitat for listed fish had the appropriate lease notices and stipulations attached.</p>

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
26.	Utah Rock Art Research Association	Cultural	Our primary concern is that we feel that the BLM is not fully utilizing all the information it has on hand in making a determination of NEPA adequacy for this lease sale. The Moab Field Office has an archaeological site type predictive model that was recently completed. While BLM is using this predictive model for the Moab parcels, they are only using the composite map rather than the detailed separate models for each site type – rock art, prehistoric site types with features, prehistoric open without features, etc. Instead BLM is using only one “composite” map that essentially combines probabilities for each of those site types. The individual site type maps would give BLM a better idea of what might be out there on the ground in parcels that have not been significantly surveyed.	The composite map is a GIS-derived compilation of all of the site type models and are intended to provide a landscape level representation of cultural resources probability and sensitivity across the Moab Field Office. BLM manages for all site types and there are multiple historic and prehistoric site types present across the Moab parcels. Because it takes into account all site types, the composite model offers the best overall site probability within the parcels. BLM will continue using the composite model for these types of identification efforts. Using only individual site type maps would only be using some of the best available information.
27.	WildEarth Guardians	NEPA Compliance	The BLM’s EA, DNA, and the Moab Master Leasing Plan/FEIS Violate NEPA. The BLM’s analyses in support of the March 2018 lease sale fall short of complying with NEPA for six reasons. First, the BLM cannot defer its NEPA analyses to the APD stage because leasing confers a right to develop. Fifth, the BLM’s EA and DNA/MMLP fail to fully consider using the social cost of carbon protocol to analyze the costs and significance of carbon emissions. Finally, the BLM completely fails to even acknowledge the impacts of the lease sale on the newly created Bears Ears National Monument.	The EA identifies potentially impacted resources at a parcel level and projects direct and indirect impacts to those resources. Should the parcels be leased, and should they be developed, a site-specific analysis would be completed at the APD stage. Prior to authorizing development operations, the BLM would review an APD for compliance with all laws and regulations. An appropriate level of analysis is presented in the leasing EA, and each of the applicable land use plans all of which also considered a No Action alternative. Oil and gas leasing is a feature of the selected alternative of each of the land use plans. The closest parcel to the Bears Ears National Monument is more than 3 miles from the monument boundary. Any effects to sensitive resources as a result of proposed development would be addressed on a site-specific (APD) basis.

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
28.	WildEarth Guardians	NEPA Compliance	The BLM's DNA Fails to Analyze a No Leasing Alternative or an Alternative that Addresses Climate Impacts. The BLM's DNA for the parcels within the Moab Master Leasing Plan relies on the MMLP, the 2008 Moab RMP, and the 2008 Monticello RMP to conclude that no significant impacts will result from the lease sale. But, by tiering to these broader documents, the BLM fails to consider a "no leasing alternative" for the 14 parcels. The BLM also fails to consider an alternative the addresses climate impacts. The BLM's failure to properly consider a no leasing alternative or an alternative that address climate impacts renders its DNA invalid.	The analyses in each of the existing land use plans, all of which included a No Action alternative, are comprehensive and sufficient. We are not aware of any new information or circumstances that would require modification to the analyses. The Moab Master Leasing Plan (MLP), which was approved in December 2016, focused exclusively on mineral leasing. The proposed action is a feature of the selected alternative in the MLP. Portions of parcels 024 (9 acres) and 027 (146), which are located in the Moab RMP and Monticello RMP areas, respectively, adjoin acreage within the MLP. The geographic and resource conditions are identical to those found within the MLP acreage. Oil and gas leasing is a feature of the selected alternative of both the Moab and Monticello RMPs.
29.	WildEarth Guardians	Air Quality	The BLM's EA and DNA Fail to Analyze the Reasonably Foreseeable Air Emissions and Greenhouse Gas Emissions that Would Result from Issuing the Proposed Lease Parcels. The BLM's conclusion that site-specific air emissions are not possible to calculate at the lease sale stage is belied by the fact that the BLM has calculated such emissions before. In the Royal Gorge Field Office of Colorado, the BLM contracted with URS Group Inc. to prepare an analysis of air emissions from the development of seven oil and gas lease parcels. The BLM has the capability to analyze these emissions and must do so. Because BLM relies on this untenable assumption to conclude that no significant impacts will result to air resources, the BLM's EA and FONSI are inaccurate and cannot support the approval of the proposed action. Finally, the	The commenter is referred to the ID Team Checklist in Appendix C. Both checklists have determined that Air Quality is NC: actions and impacts not changed from those disclosed in the existing NEPA documents cited in Section D of the DNA form (Moab Master Leasing Plan).

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
			<p>BLM's air emissions analysis is also inaccurate because the agency relies on two air emission modeling reports for different areas and different levels of development to summarily conclude that "the proposed action is not likely to violate, or otherwise contribute to any violation of the applicable air quality standards." The BLM cannot assume that these studies are representative of the lease parcels. The BLM also ignores the cumulative impacts from ozone and greenhouse gas emissions that will result from past and future lease sales in Utah and surrounding states. And, the BLM's air emissions analysis relies on reports from 2013 to conclude that the 2015 NAAQS standard for ozone will not be exceeded. The BLM's lack of due diligence is particularly alarming because, as shown by the map below, there are a larger number of leases parcels from the March 2018 sales in Utah, Colorado, and New Mexico in the same geographic area. Finally, to top it all off, the BLM admits that the Four Corners area is very close to exceeding the 2015 National Ambient Air Quality Standard for ozone. This perfect storm of leases occurring in the same area is precisely why NEPA requires a cumulative impacts analysis. Even assuming that this particular lease sale does not exceed the 2015 NAAQS ozone standard, the sum total of the leases occurring in the Four Corners very likely will. The scale of leasing from 2017 supports the conclusion that the BLM must complete a full cumulative impacts analysis.</p>	
30.	WildEarth Guardians	National Monuments	<p>The BLM Fails to Discuss the Impacts to Bears Ears National Monument from Leasing the Proposed Parcels. Neither the EA nor the DNA (and the overlying MMLP or RMPs) discuss the impacts that will result from</p>	See response to comment 17

Attachment D - Responses to Public Comments

Comment Number	Commenter	Resource or Issue	Comment	BLM Response
			leasing parcels directly next to the southeastern corner of Bears Ears National Monument.	